

Remarks

The Office Action rejects Claims 32, 57-61, and 77 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,353,788 to Miles in view of U.S. Patent No. 6,000,395 to Brown. The cited references, separately or in combination, do not disclose or teach of a headgear having EEG sensors thereon which are positioned to detect EEG signals. Furthermore, there is no motivation which would lead one skilled in the art to combine the two cited references.

Miles discloses a CPAP system wherein the sensors are directly connected to a PMA device (12) and not to the nasal mask (3) nor the headgear (not numbered) which was disclosed. While the specification does state:

“Some of sensors 21 may be mounted inside or connected to the mask.” Col. 4, Lines 44-45.

Miles fails to teach with sufficient specificity of connecting the sensors to the headgear which secures the mask to the face of the patient and it fails to provide an example of such an application. As shown and explained in the above-captioned application, the headgear provides excellent location for the EEG sensors without the need for individually positioning each sensor before each application. This advantage is not disclosed or taught in Miles. As such, there is no motivation in the cited references for the headgear of the above-captioned application in Miles.

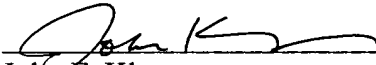
Brown discloses an avalanche and hypothermia suit which is activated by sensors located in a user's helmet. However, there is no teaching or disclosure in Brown for

Conclusion

Applicant respectfully submits that, as amended, the subject application is in condition for allowance, and allowance thereof is kindly requested. Should the Examiner wish to discuss these claims further, or should an Examiner's Amendment be needed in order for the claims to proceed to allowance, the Examiner is invited to contact the undersigned attorney at the Examiner's earliest convenience.

Respectfully submitted,
COMPUMEDICS LIMITED,
by its Attorneys

Dated: September 28, 2005


John F. Klos
Registration No. 37,162
Aleya R. Champlin
Registration No. 36,251
FULBRIGHT & JAWORSKI L.L.P.
80 South Eighth Street, Suite 2100
Minneapolis, MN 55402-2112
Telephone: (612) 321-2800